

Notice of Allowability

Application No.

10/681,756

Examiner

Courtney Thomas

Applicant(s)

MILLER, ROBERT BRUCE

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination filed: 05/08/06.
2. ☒ The allowed claim(s) is/are 1-6, 9, 10, 13-16, 18-32, 34-39, 41 and 42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/08/06 has been entered.

Allowable Subject Matter

1. Claims 1-6, 9, 10, 13-16, 18-32, 34-39, 41 and 42 are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. **As per claim 1 and dependent claims 2-6**, the examiner found no reference in the prior art that disclosed or made obvious a system for irradiating a pallet, comprising a source of radiation having first and second states for directing radiation in a first plane toward a pallet in the first state and for not directing radiation toward the pallet by being de-energized in the second state; a holder having first and second states for moving the pallet in a second plane substantially perpendicular to the first plane during the first state of the source and for preventing any movement of the pallet in the second state of the source, and a motor having first and second states of operation for rotating the pallet on an axis substantially corresponding to the second plane during the second state of the source of radiation wherein the motor rotates the pallet through a particular angle each time that the source of radiation and the holder are in the second state, as recited in independent claim 1.

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4. **As per claims 9 and 27 and dependent claims 10, 13-16 and 28-31 respectively**, the examiner found no reference in the prior art that disclosed or made obvious a system for irradiating a pallet, comprising a converter configured to convert radiation to X-rays that includes a concave rear surface, as recited in independent claims 9 and 27.

5. **As per claim 18 and dependent claims 19 and 20**, the examiner found no reference in the prior art that disclosed or made obvious a system for irradiating a pallet, comprising: a source of radiation having energized and de-energized states, a control for energizing the source of radiation and a drive member for rotating a pallet through a particular angle, with the source of radiation not being energized after the irradiation of the first portion of the pallet, the source of radiation being thereafter operative to energize another portion of the pallet with the pallet non-rotary and to focus the radiation from the source toward the center of the pallet, as recited in independent claim 18.

6. **As per claim 21 and dependent claims 22-26**, the examiner found no reference in the prior art that disclosed or made obvious a system for irradiating a pallet, comprising a source of radiation having energized and de-energized states and wherein a pallet is not rotated when the source of radiation is in the energized state, as recited in independent claim 21.

7. **As per claim 32 and dependent claims 34-37**, the examiner found no reference in the prior art that disclosed or made obvious a method for irradiating a pallet, comprising the steps of energizing a source or radiation; de-energizing the source of radiation after the pallet has moved in the direction substantially perpendicular to a first plane and rotating the pallet on an axis extending in a first plane through the pallet while the source is de-energized, as recited in independent claim 32.

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8. **As per claim 38 and dependent claims 39, 41 and 42**, the examiner found no reference in the prior art that disclosed or made obvious a system comprising: a converter for converting charged particles to X-rays and directing the X-rays in a particular direction through the pallet; wherein the converter has a concave periphery and wherein the charged particles pass to the center of the pallet through the concave periphery in a direction substantially perpendicular to the concave periphery, as recited in independent claim 38.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney Thomas whose telephone number is (571) 272-2496. The examiner can normally be reached on M - F (9 am - 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272 2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink that reads "Courtney Thomas". The signature is written in a cursive, flowing style.

Courtney Thomas
Primary Examiner
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